

City of Taylorsville
Planning Commission Work Session
Minutes
Tuesday – February 22, 2005 – 6:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Angelo Calacino, Chair
Kristie Overson
Blaine Smith
Ted Jensen
Aimee Newton
Phil Hallstrom
Joan Rushton-Carlson

Excused: Dama Barbour

Community Development Staff

Mark McGrath, Director
Michael Maloy, City Planner
Dan Udall, City Planner
Nick Norris, City Planner
Amber Westenskow, Planning Intern
Jean Gallegos, Secretary/Recorder

PUBLIC: Morris Pratt

WELCOME: **Commissioner Calacino** welcomed those present, explained the purpose of tonight's meeting was participating in a work session and opened the meeting at 6:00 p.m.

DISCUSSION ITEMS

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1. 45C04 **Conditional Use Permit for the Car Wash at 6210 South 3200 West.** **Mark McGrath** –
Community Development Director
-

1.1 **Mr. McGrath** [18:09:41](#) introduced this item by stating that the City Council has scheduled a public hearing for the appeal of the Planning Commission decision to deny the application for a car wash at 6210 South 3200 West. **Mr. McGrath** asked Nick Norris, the City Planner for this project, to briefly outline the issues for the Commission.

1.2 **Mr. Norris** [18:10:28](#) said that the objective this evening was to decide on content of the presentation to the City Council in support of this decision. He outlined the reasons for denial as follows: (1) Concerns for the general welfare of the residential neighborhood and general public; (2) Safety concerns for motorists; (3) Safety concerns for pedestrians; and (4) The Planning Commission did not believe this use was a good fit for this particular site.

1.2.1 **Commissioner Calacino** advised that he would be present at that meeting to represent the Commission and to answer any questions the City Council may have. **Commissioner Hallstrom** [18:11:51](#) commented that the Issues are substantial and should stand on their own. **Commissioner Rushton-Carlson** asked if the neighbors were going to be notified, to which Mr. McGrath said that had already been accomplished by Staff. **Commissioner Newton** was concerned that the residents of Ivory Highlands were not included in that noticing, however, that Ivory Homes was. [18:13:30](#)

1.2.2 **Mr. Norris** commented that staff had recommended that the applicant correct erroneous information, especially in the geotechnical report, which was not done. **Commissioner Hallstrom** then wanted to know if it were fair to present new information on appeal. **Commissioner Calacino** advised that if there is new evidence, the City Council should send it back to the Planning Commission for reconsideration on that basis. [18:14:20](#)

1.2.3 **Mr. McGrath** asked the Commission for input, specifically if there is additional information, did the Chair or the Commission want it remanded back to them. [18:15:09](#) **Commissioner Calacino** said yes, that with new information, the recommendation may or may not have been different. [18:15:51](#) The appeal is based on the Planning Commission motion that was given.

1.2.4 **Commissioner Overson** [18:16:20](#) said that the traffic study was difficult to understand and she questioned why the study was done on a Wednesday when the highest use for car washes typically would probably be Saturday or afternoons in the summer. **Mr. Norris** advised that traffic study was accomplished using industry standards and that the City Engineer reviewed it and found it met City standards. [18:17:20](#). **Mr. McGrath** indicated

that the options for the City Council are to approve, deny, approve with conditions, remand back to the Planning Commission or continue for further study. [18:18:30](#) Hopefully if approved, it will be with staff conditions, which are very specific in nature. [18:18:56](#) However, the City Council chose to hear the appeal, therefore, the only logical way to remand it back to the Planning Commission is with new information. [18:20:06](#)

1.2.5 **Commissioner Jensen** [18:20:26](#) asked if the person who did the soil's report would be in attendance at that meeting to answer questions? **Mr. Norris** said that the applicant had advised him that their engineer would be at the meeting.

1.2.6 **Mr. McGrath** advised then that he would make a neutral presentation to the City Council. **Commissioner Calacino** said he would attend in order to answer any questions that may arise concerning the Planning Commission decision and invited the rest of the Commission to attend if their schedules permit. [18:22:16](#)

2. **Motions and Staff Reports – Mark McGrath – Community Development Director**

2.1 **Mr. McGrath** [18:22:38](#) commented that he and Commissioner Calacino, as the Chairman, discussed making motions and recommendations in staff reports. He added that Commissioner Calacino felt it would be good to have a formal recommended motion included in the staff reports. [18:23:28](#) Mr. McGrath said that he had been thinking a lot about how Planning Commission decisions were justified and quoted a line from a pamphlet titled "The Planning Commissioner as Judge", received from the American Planning Association as follows: "The decision may be oral or written, but all decisions must be supported by written findings of fact. Findings of fact are statements of the facts, derived from the record of the hearing, that support the decision." Courts usually look at procedural issues and in the future, staff reports will include a new section called findings of fact, wherein the planner for the project will list reasons for their recommendations and cite specific code or ordinances which cover the issues. [18:25:49](#) **Commissioner Calacino** felt this was especially important when an item is appealed to the City Council, then there are specific guiding principles under which the Planning Commission may make their decision. [18:27:30](#) He felt it would be helpful to the Commissioners to have staff reports outline the facts for review..

2.2 **Discussion:**

2.2.1 [18:28:37](#) **Commissioner Overson** commented that the findings of fact would probably make it more clear when a motion is made based on staff's recommendations along with testimony received during the course of the meeting. **Commissioner Calacino** agreed by saying it would be an extremely helpful assistance tool in written form outlining the guidance criteria for the Commission to use in making their decisions and motions. [18:30:07](#) He continued on that the Commission needs to apply conditions and need staff to assist with findings of fact. This will be applicable for all types of applications. Mr. McGrath allowed that it is important to note that during the course of the meeting, the findings of fact may change, therefore, flexibility is necessary and if the Commissioners do not agree with staff's findings, they have the option to add or delete there from. Mr. McGrath advised that this change will be implemented in the very near future.

3. **Planning Commission Policies and Procedures. (Amber Westenskow)**

3-1 **Ms. Westenskow** was available for comments reference the draft she prepared on the Planning Commission policies and procedures. **Commissioner Calacino** opened up the meeting to hear comments:

- **Commissioner Calacino** [18:36:04](#) asked that next time he would like to see a copy without listing the strikeouts.
- **Commissioner Overson** advised she especially liked the strikeout version because it clearly shows the changes. On page 2, Article 2, Section 2, Chair, paragraph d, she did not understand what it meant when it said, "To put to vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce the results of motions." **Commissioner Calacino** indicated that meant they were asking for a motion. **Commissioner Jensen** advised that the proper procedure would be that the person makes the motion and then after the motion has been stated, the Chair repeats the motion. **Commissioner Calacino** said that the difference is when the motion is repeated. Presently the Chairman usually does it after the second, and these rules say to do it immediately after the motion has been made and prior to it being seconded. [18:37:51](#)

- **Commissioner Overson** - Page 3, Section #5, Paragraph a - Administrative Assistant. [18:38:42](#) She questioned the fact that it requires the notices and agenda be posted 24 hours prior to the meeting. She thought the requirement was sooner than 24 hours. **Mr. McGrath** advised that State law says they must be posted at least 24 hours in advance of the meeting. City policy here is to post it on the Thursday before the Tuesday meeting, which makes it well within the requirement.
- **Commissioner Hallstrom** – Page 1, Section 3, last sentence. Change to read “Commissioners shall serve a three-year term and not more than two consecutive terms.” **Mr. McGrath** felt it should say instead that Planning Commission terms shall be three years because there could be a scenario where the Mayor may want to remove someone from the Planning Commission. **Commissioner Hallstrom** agreed because that would also be covered by persons filling a portion of another person’s appointed term and only serve a year and a half of the three year term, in which case the obligation would not be met to serve three years. **Commissioner Calacino** commented that these are only meant to be policies and not ordinances but agreed that wording should be changed as suggested by **Mr. McGrath**. **Mr. McGrath** added that when an individual finishes another’s term, if reappointed, they start over with their own three year term. [18:42:05](#)
- **Commissioner Smith** and **Commissioner Rushton-Carlson** advised they had read the documents and felt they were well done. [18:42:30](#) **Commissioner Rushton-Carlson** had one question reference Page 5, third paragraph (re-written document), where it talks about a motion to table and doesn’t specify whether or not that motion needs a second. **Commissioner Jensen** directed her to the paragraph titled “Second Required”, which indicates that each motion must be seconded with the exception of motions to amend a motion and motions to adjourn the Planning Commission meeting.
- **Commissioner Jensen** indicated he wanted to make a few comments on the new version that he felt were relevant. He reviewed his comments aloud, which ranged from proper attitude, conduct and control of the meeting by the Chair, allowing all opinions to be expressed during the meeting, training requirements for Commissioners, to allow abstention on votes or not, conflicts of interest issues, reconsideration of applications based on new evidence, etc. He will give Ms. Westenskow his redline notes for inclusion in the final version to be reviewed during the next work session in preparation for presentation to the City Council. [19:27:10](#)

4. **Planning Commission Consent Agenda** (Mark McGrath)

4.1 **Mr. McGrath** [19:27:51](#) advised that at the next Planning Commission meeting, staff plans to introduce a consent agenda. The consent agenda will be first on the order of business and items will be placed thereon after discussion is made between staff and the Community Development Director along with the Chairman of the Planning Commission. Items suggested for placement on the consent agenda will include those with no foreseeable problems, that fully conform with the City code and have no anticipated public debate. Staff members will present those items for consideration and the decision whether or not to include them on the consent agenda will be made by the Director and Chairman of the Planning Commission. [19:30:09](#) He explained that the Chairman would introduce the consent agenda at the first of the meeting and poll the audience to see if there is any input for any of the items. If there is, the item will be pulled from the consent agenda and heard as a regular item. [19:32:30](#) Commissioners all felt this was a good approach and expressed willingness to implement this change as soon as possible.

5. **City Center Master Plan - (Mark McGrath)**

5.1 **Mr. McGrath** [19:34:04](#) said that an application is anticipated to come in for the City Center property and felt that a refresher course should be given. He stressed that at this point the main concern with the property is about economic development issues, which outweigh the planning concerns. He reviewed the ten guiding principles for the plan as follows [19:36:01](#).

1. Excellence [19:42:25](#)
2. Community Gathering Place. [19:43:39](#)
3. Strong Architectural Emphasis. [19:45:40](#)
4. Strong Site Design Emphasis. [19:47:22](#)
5. Careful mix of land uses. [19:49:27](#)

6. Strong Pedestrian Orientation. [19:51:57](#)
7. Physical Integration. [19:55:11](#)
8. District as opposed to shopping center. [19:56:24](#)
9. Transportation Diversity. [19:57:40](#)
10. Concept of Gestalt. [19:58:37](#) (The whole is greater than the sum of the parts).

Discussion: Commissioners brought up issues concerning the amphitheater and availability of sufficient parking, discussion of the possibility of shared parking with the rest of the site as an option. They also expressed concern over there being enough parking with the establishment of the police department being housed in City Hall. Commissioners were supportive of the plan they had adopted for the City Center and felt it will sustain the vision they have for the site if it is followed properly.

6. Discussion Concerning the Jordan River. (Mr. McGrath)

6.1 **Mr. McGrath** explained that Commissioner Jensen wanted to raise a number of issues back when the City had received a couple of proposals for development adjacent to the Jordan River. Essentially Commissioner Jensen wanted to raise issues about development adjacent to the Jordan River. [20:06:55](#). A number of issues were raised at that time but staff didn't have time to deal with them at that time and it was placed on the back burner during the time the General Plan was being discussed. It is being brought back now for consideration and he asked Commissioner Jensen to share his thoughts.

6.2 **Commissioner Jensen** [20:07:51](#) advised that he had reviewed the codes of seven cities who have references in their codes concerning the Jordan River and would like to suggest preserving 100' all along the river and leave it in a natural state. His concern was that once it is developed, it cannot be un-developed. He has compiled his findings into a draft document for the Commission to review. Mr. McGrath advised that with Greg Larson's development, the City protected the river's edge mostly because it was located with the area covered by the 4800 South Small Area Master Plan and Don Patton's development will be coming back before the Commission in April 2005. **Commissioner Calacino** commented that if the Commission adopts an overlay ordinance regulating development along the Jordan River with a 100' setback, it could create non-conformance with existing buildings. **Mr. McGrath** advised that probably would be a possibility. [20:10:58](#) **Commissioner Calacino** recommended a draft be prepared for Commission review during the March 2005 work session in anticipation of a formal presentation to the City Council. He suggested including in that draft the flood plain element and making that a no build zone. Also to include the issue of having the trail on both sides of the river and regardless of whether there will be a trail placed there, the river's edge still should be protected. If this is an actual pending ordinance, developments could be subject to compliance with it, if that is included in the City's code. **Mr. McGrath** advised that in the case of Don Patton, the rule is that the day he submits his application, he cements what the requirements are. Whatever the City ordinances are on the day he submits his application apply unless the City Council has adopted a notice of pending ordinance change, which they have not in this particular situation. One advantage of the Don Patton development is that it is a conditional use approval and will be easy for the Commission to justify creating the overlay on this project. The Commission and Staff have been very up front with Mr. Patton all the way through the process and it will not be a surprise to him to be told the City wants the 100' buffer. So far the General Plan and Zoning changes have been accomplished for that project.

ADJOURNMENT: By motion of **Commissioner Hallstrom** the meeting was adjourned at [20:21:07](#). **Commissioner Hallstrom** also advised that he would not be in attendance at the March 8 2005 meeting.

Respectfully submitted by:

Signed on March 23, 2005

Jean Gallegos, Secretary/Recorder
Planning Commission

Approved in meeting held: March 22, 2005